

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THAD N. JUNGES,

Defendant.

8:18CR235

ORDER

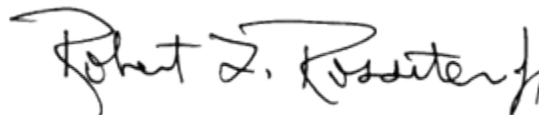
This matter is before the Court on remand (Filing No. 121) from the Eighth Circuit for a determination on whether to issue a certificate of appealability as to the Court's denial of defendant Thad N. Junge's ("Junge") "Notice of Motion and Motion to Vacate Judgment 60(b)(2)" (Filing No. 113).

To qualify for a certificate of appealability, Junge must first make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings." *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Because Junge has not shown that the outcome of his motion is reasonably debatable, is susceptible to a different conclusion, or deserves further review, the Court will not issue a certificate of appealability.

IT IS SO ORDERED.

Dated this 8th day of February 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge